

RECEIVED  
CENTRAL FAX CENTER

04/06/04

15:56

LALLY &amp; LALLY, LLP. → USPTO

APR 06 2004

NO. 005

001

OFFICIAL

PTO/SB/21 (02-04)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

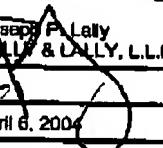
3

Application Number	10/624203
Filing Date	07/21/2003
First Named Inventor	Grudowski
Art Unit	2823
Examiner Name	Toledo
Attorney Docket Number	SC12430TP

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		Remarks
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.63		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Joseph P. Lally LALLY & LALLY, L.L.P.
Signature	
Date	April 6, 2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Joseph P. Lally
Signature	
Date	April 6, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is guaranteed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the burden of this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MOT.5129

APR. 6 2004  
**OFFICIAL****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s):	<b>Grudowski</b>	§ Art Unit:	<b>2823</b>
Serial No.:	<b>10/624203</b>	§ Examiner:	<b>Toledo</b>
Filed:	<b>July 21, 2003</b>	§ Attorney Docket:	<b>SC12430TP</b>
For:	<b>Transistor Sidewall Spacer Stress Modulation</b>		
§ I, the undersigned <u>Joseph P. Lally</u> , hereby certify that this correspondence is § being facsimile transmitted to the USPTO or deposited with the US Postal § Service with sufficient postage or first class mail in an envelope addressed to: § MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box § 1450, Alexandria, VA 22313-1450. § _____ § <u>April 6, 2004</u> § Date			
_____ Signature			

**RESPONSE TO OFFICE ACTION DATED MARCH 19, 2004**

MAIL STOP NON-FEE AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

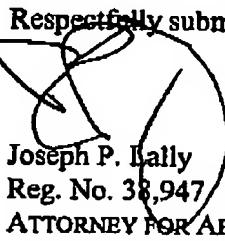
Dear Sir:

In response to the Examiner's Action dated March 19, 2004 (the Office Action), Applicant, by and through the undersigned representative, elects to prosecute Invention I, claims 1-16, without waiver of or prejudice to the subject matter of the unelected claims.

*Commissioner of Patents  
Page 2 of 2  
April 6, 2004*

In this response, Applicant believes that he has responded to the issues raised by the Examiner in the Office Action and that this response constitutes a complete response to the Office Action. Applicant further believes that the application is in condition for allowance and, accordingly, request favorable action.

Applicant believes that no fee is required in connection with this response. The Commissioner is authorized, however, to charge any necessary fees or credit any overpayment to Deposit Account No. 50-0335.

Respectfully submitted,  
  
Joseph P. Lally  
Reg. No. 38,947  
ATTORNEY FOR APPLICANT(S)

LALLY & LALLY, L.L.P.  
P.O. Box 684749  
Austin, Texas 78768-4749  
512.428.9870  
512.428.9871 (FAX)

JPL/mmm